

THE FOLLOWING GREENWOOD COMMON COUNCIL ORDINANCE WILL BE INTRODUCED AT THE SEPTEMBER 6, 2006, MEETING, WITH FIRST READING AT THE SEPTEMBER 18, 2006, MEETING, AND SECOND READING AT THE OCTOBER 2, 2006, MEETING. **PLEASE NOTE THIS ORDINANCE IS SUBJECT TO AMENDMENTS BY THE COMMON COUNCIL.** IF YOU WISH TO SEE THE ADOPTED ORDINANCE PLEASE CONTACT THE CLERK-TREASURER OFFICE AT (317) 888-2100 OR VIA E-MAIL AT CLERK@GREENWOOD.IN.GOV FOR AN EXECUTED COPY AFTER THE SECOND READING.

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 06-33

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ADOPTED BY REFERENCE IN ZONING ORDINANCE NO. 82-1 ENTITLED “AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF GREENWOOD, INDIANA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF I.C 36-7-4-600 et seq. LAWS OF INDIANA AS AMENDED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith” (Proposed Rezoning of 412 Glenn Drive, Lots 5 & 6 and a part of Lot 4 of Cook Addition, located on the northwest corner of U.S. 31 and Glenn Drive, commonly known as the Ragan Property)

WHEREAS, the Greenwood Advisory Plan Commission (hereinafter “Commission”) conducted a public hearing on the petition for the rezoning of 412 Glenn Drive, lots 5 & 6 and a part of lot 4 of Cook Addition located on the northwest corner of U.S. 31 and Glenn Drive, within the City of Greenwood, from R-2 – Residential – Single Family use to B-1 Business – Professional and Office use; and

WHEREAS, the Commission requested, and the Owner agreed to, the following commitments regarding the development of said real estate:

1. Any new building built upon the subject real estate shall have architectural features that are residential in character and blend with the area. The plans showing the architectural features shall be subject to the review and approval by the Plan Commission or its designated representative at the time of site development plan review.

2. Use of the subject real estate is restricted to Office uses only, and all other uses permitted in B-1 Zoning Classification shall be prohibited; and

WHEREAS, the Commission, after paying reasonable regard to: 1) the Greenwood Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, made a **favorable recommendation** (8 – 1) regarding said change in the zone map and certified the same to the Greenwood Common Council; and

WHEREAS, the Greenwood Common Council has given notice of its intention to consider this matter; and

WHEREAS, the Greenwood Common Council has considered the recommendation of the Commission and paid reasonable regard to items 1 through 5 referred to above,

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF GREENWOOD, INDIANA, THAT:

Section 1. The Official Zoning Map referred to in Article 1, Section 1, of Ordinance No. 82-1, as amended, is amended as follows:

The following described real estate situated within the City of Greenwood, Indiana, currently zoned R-2 Residential – Single Family use is rezoned B-1 – Business – Professional and Office use:

B-1 – BUSINESS ZONING

A PART OF LOT #4 IN COOK ADDITION, SECOND SECTION, GREENWOOD, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT; THENCE SOUTHWESTERLY ON AND ALONG THE SOUTH LINE OF SAID LOT 10.5 FEET; THENCE NORTHWESTERLY TO THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTHEASTERLY ON AND ALONG THE EAST LINE OF SAID LOT 219.7 FEET TO THE PLACE OF BEGINNING.

AND

LOT NUMBERED 5 IN COOK ADDITION, SECOND SECTION TO THE TOWN OF GREENWOOD, INDIANA, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 3, PAGE 103.

AND

LOT NUMBERED 6 IN COOK ADDITION, SECOND SECTION TO THE TOWN OF GREENWOOD, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 103, OF THE RECORDS OF THE RECORDER'S OFFICE, JOHNSON COUNTY, INDIANA.

EXCEPTING THEREFROM:

A PART OF LOT 6 IN COOK ADDITION, SECOND SECTION TO THE TOWN OF GREENWOOD, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 103, OF THE RECORDS OF THE RECORDER'S OFFICE, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 43 DEGREES 00 MINUTES 37 SECONDS WEST 26.34 FEET ALONG THE SOUTHEASTERN LINE OF SAID LOT 6; THENCE NORTH 24 DEGREES 52 MINUTES 32 SECONDS EAST 27.32 FEET TO THE NORTHEASTERN LINE OF SAID LOT 6; THENCE SOUTH 49 DEGREES 32 MINUTES 23 SECONDS EAST 8.51 FEET ALONG SAID NORTHEASTERN LINE TO THE POINT OF BEGINNING AND CONTAINING 112 SQUARE FEET, MORE OR LESS.

TOGETHER WITH THE PERMANENT EXTINGUISHMENT OF ALL RIGHTS AND EASEMENTS OF INGRESS AND EGRESS TO, FROM, AND ACROSS THE LIMITED ACCESS FACILITY (TO BE KNOWN AS U.S.R. 31 AND AS PROJECT ST-B874(C)), TO AND FROM THE OWNER'S ABUTTING LANDS ALONG THE 27.32 FOOT COURSE DESCRIBED ABOVE. ALSO, THE NORTH 152.59 FEET TO THE NORTHEASTERN LINE OF SAID LOT 6 IN COOK ADDITION, SECOND SECTION OF THE TOWN OF GREENWOOD, INDIANA, THE PLAT OF WHICH IS RECORDED IN PLAT BOOK 3, PAGE 103, OF THE RECORDS OF THE RECORDER'S OFFICE, JOHNSON COUNTY, INDIANA. THIS RESTRICTION SHALL BE A COVENANT RUNNING WITH THE LAND AND SHALL BE BINDING ON ALL SUCCESSORS IN TITLE TO THE SAID ABUTTING LANDS.

Section 2. The real estate shall be developed and used in conformance with the commitments set forth in the second "Whereas clause" above.

Section 3. The Greenwood Plan Commission is hereby authorized to make the above described change to the official zoning map of the City of Greenwood.

Section 4. This Ordinance shall have no effect as to changing any other provision of Ordinance No. 82-1, as amended, other than the Official Zoning Map referred to in Article 1, Section 1, of said Ordinance.

Section 5. This Ordinance shall be in full force and effect from and after its passage, approval and publication according to law and after the above described commitments are made by the owner and recorded in the chain of title of the above described real estate in the office of the Recorder of Johnson County, Indiana.

Passed by the Common Council of the City of Greenwood, Indiana, this _____ day of _____, 20__.

Ronald Bates, President
Greenwood Common Council

FOR:

AGAINST:

ATTEST:

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is presented by me this ____ day of _____, 20____, at _____ O’Clock __.M, to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers, Clerk-Treasurer

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the ____ day of _____, 20____, is signed and approved by me this ____ day of _____, 20____, at _____ O’Clock __.M.

CHARLES E. HENDERSON, Mayor of
the City of Greenwood, Indiana